

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CORY DARNELL SMITH,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-10-1089-HE
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

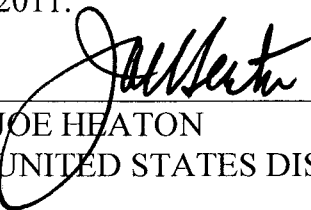
**ORDER**

Plaintiff Cory Darnell Smith filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his disability insurance benefits and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that plaintiff's cause of action be dismissed without prejudice. Plaintiff filed a motion to proceed in this action *in forma pauperis*, but the magistrate judge struck the motion for failure to comply with the local rules. Despite being given an extension of time to comply with the local rules or to pay the requisite filing fee, plaintiff failed to do either. Consequently, the magistrate judge recommended plaintiff's case be dismissed.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation. Plaintiff's cause of action is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 6 day of January, 2011.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE